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January 16, 2014

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Law and Order Committee approves the Navajo Adult Guardianship Act of 2014

WINDOW ROCK – On Wednesday, the Law and Order Committee considered Legislation No. 0007-14, a bill that aims to approve and enact the Navajo Adult Guardianship Act of 2014 and amendments to Title 9 of the Navajo Nation Code.

According to legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock), the proposed amendments create a statute that protects the rights of individuals facing guardianship issues based on perceived disabilities.

"This current code regarding adult guardianship was written in 1945, and has not been updated since," said Delegate Simpson. "Even at that, the law itself is meager and has little guidance on how to handle guardianship issues, and it is time to change that."

President of the Native American Disability Law Center Hoskie Benally, said that there is no current Navajo law that protects the right of decision-making in the daily lives of disabled individuals who are deemed competent enough to make judgments in their own best interest.

"When guardianship is awarded over another person [with disabilities], that person begins to lose freedom of decision-making, such as where they will attend school, where they shall live, or what type of medical care they require. The freedom of choice should be afforded to these individuals through Navajo law," said Hoskie.

LOC member Council Delegate Russell Begaye (Shiprock) voiced his concerns regarding additional protections for financial assistance that disabled individuals may receive.

"We do not want disabled adults to be taken advantage of by family members or other institutions if the individual receives some sort of monetary assistance from Social Security or other programs," said Delegate Begaye. "That money belongs to them and should not be exploited by anyone."

In support of the legislation, LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) said there should also be protections against scams that

may take advantage of disabled persons that seek assistance from chapters or businesses, such as home repair, traditional healing services, etc.

“It is important to take care of our disabled people and I believe there should be protections to also protect from home repair, ceremony, vehicle repair scams,” said Delegate Begay, “and protecting them is all a part of K’ée as Diné.”

At the conclusion of the meeting, LOC members expressed their encouragement of the legislation, saying that it is time to revise the Navajo guardianship laws and return the respect and decision-making to disabled persons, and ensure their liberties are protected under Navajo law.

LOC members voted 3-0 to approve Legislation No. 0007-14. The legislation now goes to the Health, Education, and Human Services Committee for consideration.

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